

**Membership Assistance Program Regulations
Regulation # R700-04:MA-05**

Chapter 5. Food Assistance Program Regulations

Section 1. Authority; Purpose

1-1. *Authority.* In accordance with Section 4.03 of Membership Assistance Program Ordinance, # 06-700-04, the Tribal Ogema hereby promulgates these regulations for implementation of the Food Assistance Program.

1-2. *Purpose.* This program is intended to provide limited, short term assistance to eligible members experiencing a dietary/food crisis. This assistance is designed to resolve a dietary/food crisis and protect the Tribal members' health and welfare.

Section 2. Definitions

2-1. *General.* For purposes of this regulation, certain terms are defined in this section. The word "shall" is always mandatory and not merely advisory. Unless defined otherwise, terms defined in the Membership Assistance Program Ordinance are defined for the purposes of this chapter.

2-2. *Household* means persons living in the same residence maintaining a single economic unit and also includes any person living alone/single who is a permanent member of and participate in the maintenance of the household.

2-3. *Household Income* means the sum of income received in the calendar year by all household members, including household members not related to the head of household, people living alone/single within household, and other non-family member within household.

2-4. *Income* means total income amounts reported separately for wage/salary earned income and unearned income.

2-5. *Applicant* means on behalf an application for services has been received.

2-6. *Member* means an enrolled member of the Little River Band of Ottawa Indians.

2-7. *Age 18 or over* includes a member who has not yet reached the age of a18 but who has been recognized by a court of competent jurisdiction to have been emancipated and accorded all legal rights and privileges of being recognized as an adult.

2-8. *Members Assistance Department* means the office delegated responsibility to implement the Food Assistance Program.

2-9. *Permanent resident of the household* includes all persons, of any age or relationship, living in the house for one or more months. A person residing in the house should be considered a permanent resident if they are a student at a higher education program living at the house during breaks and holidays.

2-10. *Food* dietary nourishment to sustain physical health in the form of meat, bread, fruit, vegetable and dairy products.

2-11. *Food Voucher* is the tribal member certification of proper usage of the food assistance program.

2-12. *Verification of Purchase* means verification of items on receipt meet the requirements of the program for purchase of food items.

2-13. *Food Vendor* means a grocery store selling meat, bread, fruit, vegetables and dairy products.

2-14. *Food/Dietary Crisis* means one or more of the following:

- a. Special diet needs related to medical restrictions.
- b. Homeless persons needing assistance in obtaining nutritional sustenance.
- c. Budgeting issues where a member or household has unexpected costs or unexpected

loss of income which affect the overall budget of the family.

Section 3. Eligibility

Section 3-1. *Eligibility.* An eligible applicant for the Food Assistance Program is:

- a. a Little River Band Of Ottawa Indians member who is:
 1. 18 years or older; or
 2. the parent or legal guardian of a member who has not reached the age 18; or
 3. the legal guardian of a Little River Band of Ottawa Indians member who has been determined by a court of competent jurisdiction to require a legal guardian over the person and/or affairs, provided that the legal guardian is not the State of Michigan or other state government.
- b. meets one of the criteria set forth in section 4-3 Program Scope.
- c. Within the income criteria as follows: 175% of the Federal Poverty Guideline level is the maximum level allowed in determining income eligibility for Low Income Energy Assistance. The federal poverty income guidelines published by the U.S. Department of Health and Human Services shall be maintained in the Membership Assistance Department and included with each application.

Family Size	Federal Poverty Income Guideline	LRBOI Criteria	3 Month Income Criteria
	100%	175%	
1	\$ 10,400	\$ 18,200	\$ 4,550
2	\$ 14,000	\$ 24,500	\$ 6,125
3	\$ 17,600	\$ 30,800	\$ 7,700
4	\$ 21,200	\$ 37,100	\$ 9,275
5	\$ 24,800	\$ 43,400	\$ 10,850
6	\$ 28,400	\$ 49,700	\$ 12,425
7	\$ 32,000	\$ 56,000	\$ 14,000
8	\$ 35,600	\$ 62,300	\$ 15,575

For

Families units with more than 8 members, add \$ 6,300 for each additional member of the household in the 175% column and divide by 4 to calculate 3 month income criteria.

d. Income determination is based on three months income prior to application. Applicant must provide proof of income for three months. Applicant and/or permanent household members shall complete the zero income form for periods within the three months where there is not income generated. The zero income shall be notarized attesting that there is no income from any resource

Section 4. General Policies

4-1. *Application.* The Members Assistance Department must receive a fully completed application signed by the applicant and accompanied by all required documentation to begin processing. It is the responsibility of the applicant to provide all required information with application.

4-2. *Incomplete Applications.* Applicants submitting applications incomplete or missing required information shall be sent a request for further information. Applications will not be processed until complete information is received. Applications that are incomplete 30 days after receipt of the application shall be closed by the Membership Assistance Department and applicants must submit

a new application to begin the process again.

4-3 *Program Scope*. The Food Assistance Program is designed to provide limited assistance in purchasing food as identified in the categories in this section. This program is not intended to be a complete resource for food purchases.

- a. Special diet needs related to medical restrictions.
- b. Homeless persons needing assistance in obtaining nutritional sustenance.
- c. Budgeting issues where a member or household has unexpected costs or unexpected loss of income which affect the overall budget of the family.

Assistance under this program may be utilized in conjunction with other programs. Applicants accessing assistance from other assistance programs or agencies are to verify that receipt of this assistance will not affect assistance currently received. Applicants receiving assistance from other assistance programs or agencies are required to report this as specified in section 4-6 of this regulation.

4-4. *Restrictions and Failure to Comply*. Expenses related to this program are for food purchases only. No expenses related to this program shall be utilized to purchase alcohol or tobacco products, non-food items or for the purchase of illegal substances. Food purchase at restaurants, fast food or cafés is prohibited. Any applicant receiving assistance which is subsequently identified as an expense derived from a prohibited expense, or criminal activity shall result in prosecution and the applicant being prohibited from accessing this program. Failure to submit receipts and/or vouchers may result in prosecution and the applicant being prohibited from accessing this program. Access to this assistance is limited to once a year per household. This requirement applies to applicant and household. In the event that applicant relocates to a new household, applicant shall not be eligible to apply for assistance more than one time in the program year.

4-5 *Enrollment Verification*. The Membership Assistance Department shall obtain, from the Enrollment Department, verification of membership of each applicant. The enrollment verification will include information to verify current address information. If information does not match that of the Enrollment Department, applicant will be required to update this information before assistance can be provided.

4-6. *Proof of Income*. All applications must identify, and verify, all forms of income for every person living in the house. Applicant must provide proof of income for the three months prior to application.

- a. Income includes all forms of income, including but not limited to-
 1. Employment, including gross income from self employed persons;
 2. Unemployment benefits;
 3. Workers compensation benefits;
 4. Disability income or benefits;
 5. Retirement, pension, or annuity payments;
 6. Social Security payments;
 7. Child support and alimony payments; and
 8. Dividends, and other investment income.
 9. Department of Health and Human Services (DHS) benefits
 10. Any other benefits received by the household
- b. Income shall be verified as required by the Members Assistance Department. Income can be verified by submission of the following by way of example and not limitation.
 1. Paycheck stubs for three months prior to the application;
 2. Income tax return, including W-2's and other tax reporting forms;
 3. Benefit payment receipts, including notices that identify the amount and duration

of benefit; and

4. Other sources of documents that have been independently generated or verified.

c. Every person includes members and non-members.

d. Except for children under the age of 18, each person shall sign a notarized statement attesting to the fact that the person has no income resource and/or to document income resources not identified in section 4-6 b.

e. Applicant is required to sign an authorization to release information to participate in this program.

4-7. *Payment to vendor and Receipts.* The applicant will receive a bank card in \$150.00 increments to purchase food from vendors of their choice. Purchases must be from a grocery store food vendor. A food vendor does not include restaurants, fast food or café purchases. An applicant receiving this assistance must submit receipts for the food items purchased along with the food voucher. The receipt shall identify the bank card was utilized in the transaction of the purchase. Applicants must submit receipts to the Members Assistance Department within 45 days of the purchase. Members Assistance Department shall verify items on receipt meet the requirements of this program before next increment of \$150.00 is issued or completion of assistance and closing of file. The program year for the Food Assistance Program ends December 16. Receipts are due no later than December 31. Additional income determination may be required when period between accessing first and second increment of assistance is 30 days or more.

4-8. *Amount of Assistance.* The maximum amount of assistance is limited to \$300.00 per year. Assistance must be accessed and utilized in the calendar year applied. The program does not guarantee the full amount of assistance, it only provides for the amount of assistance accessed by the applicant up to the maximum amount of \$300.00. Assistance does not carry over into the next program year.

4-9. *Processing Time Lines.* Final processing will not occur until all required documentation and a completed application have been received by the Members Assistance Department. It is the responsibility of the applicant to provide all required information with application. Applicants submitting applications incomplete or missing required information shall be sent a request for further information. Applications will not be processed until complete information is received.

4-10. *Eligibility Notification.* Applicants that have satisfactorily completed the application and provided the required supporting documentation will have the application reviewed for eligibility and determination shall be made within 5 business days. Applicant will be notified of the approval for assistance and when card and voucher instructions will be mailed. Applicant will be allowed to pick up assistance from the Members Assistance Department by appointment only.

4-11. *Ineligibility Notification.* If an applicant is ineligible for assistance, they will be notified by the Members Assistance Department within 5 days of the eligibility and determination review. The ineligibility notifications shall include clearly stated reasons why the applicant is ineligible, and applicant's rights to appeal an ineligible determination as set forth in section 5.02 of the Membership Assistance Program Ordinance.

4-12. *Maintenance of File; Use of Information.* Members Assistance Program shall maintain a confidential filing system as specified in the federal Privacy Act.

a. *Statistical.* Information may be compiled and reported only to the Little River Band Of Ottawa Indians tribal Ogema and Tribal Council which does not identify specific applicant names.

b. *Program Building.* Upon request from the tribal Ogema and Tribal Council information may be compiled and shared to the extent necessary to project a need to expand or create

a program. Such information shall be in a format that does not identify specific applicants.

c. *Contact with Applicant.* The Membership Assistance Program works in conjunction with other Tribal programs to identify the greatest possible amount of assistance to applicants. Program staff shall notify the applicant of this cross-functional team work process. The applicant shall have the ability to reject any or all services identified, and such rejection shall not result in penalizing the applicant for any program accepted, unless such restriction is specifically included within the eligibility requirements for that program.

4-13. *Applicant File* The Membership Assistance Department shall retain applicant file for up to 5 years. Applicant file shall contain at a minimum: applicant application, supporting documentation for eligibility criteria.

4-14. *Ineligible File.* The Membership Assistance Department shall retain ineligible file for one year. Ineligible file shall contain at a minimum: application and letter of ineligibility.

4-15. *Income Eligibility.* For purposes of determining whether an applicant's household income meets the criteria of a Membership Department Program, an applicant's gross income does not include the following:

- a. Payments made toward medical/dental expenses, provided that the applicant can provide proof of payment by receipt or cancelled check. The payments must be for services rendered to a member of the applicant's household or his immediate family. The applicant must show proof of payment during the three months prior to submission of the application in order to be a valid deduction from household income.
- b. Child support payments, provided the applicant can provide proof of payment by automatic deductions from his salary or where it can be proven that such payments are made in compliance with an order of a court of competent jurisdiction or with some other legal obligation. The applicant must show proof of payment during the three months prior to submission of the application in order to be a valid deduction from household income.

4-16 *Bank Card Tracking and Instructions.* For the purpose of tracking bank cards the Members Assistance Department shall maintain a log to account for all cards. The inventory of bank cards will be securely stored for program use. The log shall contain at a minimum the card number and three digit verification numbers on the back of card, date received, tribal I.D. the card is issued to and date issued. Program and bank card instructions must be provided to applicant with each installment of assistance. The Members Assistance Department may review account information, activities and request information from store vendors where card has been used.

4-17 *Lost or Stolen Card* The Members Assistance Department will not be responsible for lost

or stolen bank cards. Applicant must notify department when card is lost or stolen. Applicant will be responsible for reporting the card lost or stolen to the card customer service and request a replacement card. Replacement fees will be waived from the program requirements. Applicant shall report replacement card number and verification number to the Members Assistance Department.

Section 5. Adoption; Amendment; Repeal

5-1. *Adoption.* This Chapter is approved by the Tribal Ogema on March 31, 2008 and approved by the Tribal Council on March 26, 2008 by adoption of resolution # 08-0326-81.

5-2. *Amendment.* This regulation may be amended by the Membership Assistance Department in accordance with the Constitution and any rules set forth governing amendment of regulation of the Little River Band of Ottawa Indians. Provided that, any amendments must approved or adopted in the same manner as set forth in section 5-1.

5-3. *Severability Clause.* If any provision of this regulation or its application to any person or

circumstance is held invalid, the invalidity does not affect other provisions or applications of this regulation which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are severable.

5-4. *Compliance.* In regards to compliance with this regulation, substantial compliance with the ‘spirit’ of this regulation rather than complete compliance is acceptable.

5-5. *Sovereign Immunity.* Nothing in this Regulation shall provide or be interpreted to provide a waiver of sovereign immunity from suit of the Tribe or any of its governmental officers and/or agents.

5-6. *Effective Date.* This Regulation shall take effect on March 26, 2008.